PART 1. DEFINITIONS AND GENERAL PROVISIONS

R 460.11. Definitions.

Rule 1. As used in these rules:

(a) "Applicant" or "petitioner" means a party seeking approval, authority, a certificate of authority or of public convenience and necessity or other certificate, license, permit or exemption or other relief.

(b) "Complainant" means a party who files a complaint.

(c) "Party" to a proceeding before the commission means a person by or against whom a proceeding is commenced, or a person admitted by the commission to intervene in a proceeding pursuant to these rules.

(d) "Person" means an individual, partnership, corporation, association, body politic, or state agency.

(e) "Protestant" means a motor carrier rendering service or applying for authority to render service, likely to compete with the proposed motor carrier service of a motor carrier applicant, if the former carrier opposes the application of the latter carrier.

(f) "Respondent" means a party who is complained against, a party investigated or ordered to show cause, or a utility rendering service of the same sort within a municipality proposed to be served by any other utility.

R 460.13. Applicability and Construction of Rules.

Rule 3. (1) These rules govern practice and procedure in all matters before the public service commission.

(2) These rules shall be liberally construed to secure just, economical and expeditious determination of the issues presented.

R 460.14. INFORMATION, DOCUMENTS AND COMMUNICATIONS.

Rule 4. (1) Information as to established practice or procedure under these rules will be furnished to any person upon application to the secretary of the commission.

(2) Applications and other documents shall be in writing and shall conform to all requirements of these rules. The secretary of the commission, upon reasonable request, will advise as to the form of petition, answer or other papers necessary to be filed in any case and furnish such information from the files of the commission as will aid in a full presentation of material facts.

(3) Documents filed with the Commission shall be printed, typewritten or otherwise mechanically reproduced, shall be upon paper 8½ inches by 11 inches in size, or folded to such size, or on such forms as may be hereafter supplied by the commission.

(4) Communications and documents shall be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Michigan 48913. Communications and documents so directed are officially received.

R 460.15. SERVICE OF PAPERS.

Rule 5. Notices, petitions, answers and other papers or copies thereof required to be served in a proceeding may be served either personally or by mail; and when a person has appeared by attorney, service upon such attorney is deemed proper service. When a paper is served, the person serving the paper shall file with the commission proof of service, or admission of service by the person served or his attorney, annexed to a copy of the paper served, so that the commission may know that the paper in question has been properly served and the date of the service. When copies of papers are sent to the commission and

served by the commission, the commission will attach to the original of the paper, an affidavit of service signed by the person serving the same. Service on municipalities shall be similarly made on supervisors of townships and on clerks of other municipalities.

R 460.16. PROCEEDINGS; LOCATION, PARTIES.

Rule 6. (1) Sessions of the commission will be held in Lansing or at any other place as the commission may direct at such days and hours as the commission may designate.

(2) Each party to a proceeding shall be known as a complainant, respondent, protestant, intervenor, applicant or petitioner according to the nature of the proceeding and the relationship of such party thereto.

R 460.17. SAME; PARTICIPATION BY COMMISSION STAFF.

Rule 7. The commission staff may appear in any proceeding before the commission and through its witnesses present testimony as to the results of its accounting, engineering and economic investigations, field studies, inspections, other technical investigations and studies. The commission staff in any proceeding may file briefs, make statements of positions, or otherwise upon the record make recommendations, as it believes proper and lawful, based upon the evidence presented.

R 460.18. DECISIONS AND TRANSCRIPTS.

Rule 8. A certified copy of the decision in any proceeding will be furnished free of charge to each party of record. Copies of transcripts and additional copies of decisions shall be furnished at such rates as are in accordance with current rules and regulations and statutes.

R 460.19. Computation of time.

Rule 9. In computing a period of time prescribed or allowed by rules of the commission in which an act is to be performed after a specific date, act or event, the day of the specific date, act or event is not included and the last day of the period is included, except when it is a Saturday, Sunday or legal holiday, the period runs until the end of the next day which is neither a Saturday, Sunday or legal holiday.

PART 2. INTERVENTION

R 460.21. Petitions.

Rule 11. (1) A person not defined herein as a complainant, respondent, protestant, applicant or petitioner, and who claims an interest in a pending proceeding, may petition in the proceeding for leave to intervene. An original and 6 copies of a petition to intervene shall be filed with the commission at least 5 days prior to the date set for hearing, and the petition when filed shall show service of copies thereof upon all parties to the proceeding. A petition to intervene which is not timely filed with the commission shall not be granted by the commission unless the denial of the petition is shown to be detrimental to the public interest or to be likely to result in a miscarriage of justice, and unless all parties, excluding intervenors, have an adequate opportunity to file answers as hereinafter set forth and to be heard with respect thereto. A motor carrier shall comply with the provisions of this rule except as provided in rule 32.

(2) A petition to intervene shall set out clearly and concisely the facts supporting the petitioner's alleged right or interest, the grounds of the proposed intervention, and the

position of the petitioner in the proceeding, so as fully and completely to advise the parties and the commission of the specific issues of fact or law to be raised or controverted.

R 460.22. Answers.

Rule 12. A party, except an intervenor, to a proceeding and the commission staff may file an answer to a timely petition to intervene on or before the date, if any, set for hearing upon the petition or on and before the date set for hearing upon the merits, whichever is earlier. An adequate opportunity to file an answer to a petition to intervene, which is not timely filed, shall be afforded to any such party and the commission staff.

R 460.23. Action by commission.

Rule 13. As soon as practicable after expiration of the time for filing an answer to a petition for intervention, the commission will grant or deny the petition in whole or in part, or if found to be appropriate may authorize limited participation. A person granted leave to intervene in whole or in part is an intervenor and shall be a party to the proceeding. The granting of a petition to intervene in whole or in part is not recognition by the commission that the intervenor may have rights to appeal from any order of the commission entered in that proceeding, except as otherwise provided by law.

R 460.26. Participation Without Petitions for Intervention.

Rule 16. (1) A person may appear in a proceeding before the commission in lieu of a formal petition to intervene, if there is full disclosure of the identity of the person whose appearance is to be entered; the interest of such person in the proceeding and the position intended to be taken are

fully and fairly stated; and the contentions of such person will be reasonably pertinent to the issues already presented and any right to broaden the issues unduly is disclaimed, as follows:

(a) In a proceeding to fix rates or investigate conditions of service of a carrier or utility subject to the jurisdiction of the commission, appearances by individual customers or ratepayers of such carrier or utility or by the duly authorized governmental representatives thereof.

(b) In a proceeding by a railroad company for authority for abandonment of a station or discontinuance or diminution of quantity or quality of service, appearances by other persons in interest.

(2) An appearance under this rule entitles the person to testify or make a statement of his position but he is not regarded as a party to the proceeding.

R 460.27. Same; Appearances.

Rule 17. In a proceeding, other than a motor carrier proceeding, a person entitled to enter an appearance in lieu of filing a formal petition for intervention shall file an original and 6 copies of an appearance with the commission at least 5 days prior to the date of hearing. The appearance shall set out clearly the information required by rule 16 and when filed shall show service of copies thereof upon the applicant, complainant or respondent. A person who does not file the appearance required by this rule is not entitled to a notice of adjournment.

PART 3. COMPLAINTS

R 460.31. Contents and Kinds.

Rule 21. (1) A complaint shall be limited to matters involving alleged unlawful or unreasonable acts, practices

or omissions of a utility or carrier. A complaint may be either formal or informal and may be made by a person having good or sufficient reason therefor or by the commission on its own motion.

(2) An informal complaint shall be in writing and signed by complainant, and contain a concise statement of the facts involved and the name and address of the complainant and the party complained against. The commission will attempt to settle problems arising under an informal complaint without formal action when possible.

R 460.32. Formal Complaints; Copies and Contents.

Rule 22. A formal complaint shall be in writing and an original and 6 copies shall be filed with the commission and as many additional copies as there are parties complained against, and shall contain:

(a) The full name and post office address of the complainant.

(b) The full name and post office address of each respondent.

(c) A full, clear and reasonably certain statement of the alleged unlawful or unreasonable acts, practices or omissions concerning which complaint is made, with reference where practicable to the sections of law, order or rules of which a violation is claimed.

(d) The signature of the complainant and the name and post office address of the complainant and his attorney, if any.

(e) Verification by the complainant. A complaint by an unincorporated association may be verified by any officer or director thereof.

R 460.33. Same; Examination, Dismissal.

Rule 23. Upon the filing of a formal complaint, the commission shall immediately examine it to ascertain whether it states a prima facie case of an unlawful or unreasonable act, practice or omission of a utility or carrier and conforms to these rules. If the commission believes that the complaint does not state a prima facie case or does not conform to these rules, it shall so notify the complainant or his attorney, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time, or such extension thereof as the commission for good cause shown may grant, or if the complaint as amended does not state a prima facie case or conform to these rules, it shall be dismissed.

R 460.34. Same; Service of Copies and Notices to Answer.

Rule 24. If the commission believes that the complaint, either as originally filed or as amended, does state a prima facie case and conforms to these rules, the commission shall serve upon each respondent a notice accompanied by a copy of the complaint requiring that the matter complained of be satisfied, or that the complaint be answered, within 20 days from the date of service thereof or within such further time as the commission may fix upon good cause shown. However, if a motion to dismiss a complaint is served as hereinafter permitted, no answer need be made unless the commission denies the motion or postpones its disposition until a hearing on the merits, and in either event the answer shall be made within 20 days after notice to the respondent of the commission's action.

R 460.35. Same; Respondent's Offers of Relief.

Rule 25. If a respondent desires to satisfy the complaint, he may submit to the commission within the time

allowed for the satisfaction or answer, a statement of the relief which he is willing to offer. On the acceptance of this offer by the complainant and approval of the commission, no further proceeding need be taken. If the offer of satisfaction is refused by the complainant, an answer shall be filed by the respondent within 20 days from the receipt by respondent from the commission of notice of the refusal.

R 460.36. Same; Motions to Dismiss and Answers.

Rule 26. The defense that the complainant does not have a good or sufficient reason for making a formal complaint, that the complainant is without standing to make the complaint, or that a formal complaint fails to state a prima facie case or otherwise fails to conform to these rules, may be raised by motion to dismiss or answer at the option of the respondent. All other defenses to the complaint shall be raised by answer. An original and 6 copies of the motion to dismiss or answer, accompained by proof of service of a copy thereof on the complainant shall be filed with the commission. The answer shall contain a specific denial of the material allegations of the complaint controverted by respondent and also a statement of new matters constituting an affirmative defense. If the answering party has no information or belief on the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground.

R 460.37. Burdens of Evidence and Proofs.

Rule 27. In a complaint proceeding, the complainant has the burden of going forward with presentation of evidence unless otherwise ordered by the commission. The complainant has the burden of proof as to factual allegations relied upon as constituting the basis for the complaint and the respondent has the burden of proof with respect to affirmative defenses.